

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**HANNAH SABATA, et al.,**

**Plaintiffs,**

**v.**

**NEBRASKA DEPARTMENT OF  
CORRECTIONAL SERVICES,  
et al.,**

**Defendants.**

**Case No. 4:17-CV-3107**

**MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

Defendants Nebraska Department of Correctional Services, Scott R. Frakes (in his official capacity as Director of the Nebraska Department of Correctional Services), Harbans Deol (in his official capacity as Director of Health Services of the Nebraska Department of Correctional Services), Nebraska Board of Parole, and Julie Micek (in her official capacity as the Board of Parole Acting Administrator), and move for partial summary judgment, pursuant to Fed. R. Civ. P. 56 and NECivR 56.1.

Defendants assert there are no genuine issues as to any material fact and Defendants are entitled to judgment as a matter of law on the following claims:

1. James Curtright, Richard Griswold, and Michael Gunther's claims against the Board of Parole and Julie Micek since each of those Plaintiffs are serving sentences of life to life and ineligible for parole.
2. Jason Galle's Eighth Amendment claim of deliberate indifference related to the treatment of his femur.



3. Zoe Rena's Eighth Amendment claim of deliberate indifference related to the treatment of her skin rash.

Submitted April 18, 2019.

**NEBRASKA DEPARTMENT OF  
CORRECTIONAL SERVICES, SCOTT  
FRAKES, HARBANS DEOL, NEBRASKA  
BOARD OF PAROLE, and JULIE MICEK,  
Defendants.**

By: DOUGLAS J. PETERSON  
*Attorney General of Nebraska*

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Attorneys for the Defendants.

### **CERTIFICATE OF SERVICE**

I hereby certify that on April 18, 2019, I electronically filed the foregoing document with the Clerk of the United States District Court for the District of Nebraska, causing notice of such filing to be served upon all parties registered on the CM/ECF system.

By: s/Ryan S. Post  
Ryan S. Post  
Assistant Attorney General